

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3001. Adulteration and misbranding of Bohemian Malt Tonic. U. S. v. 10 Casks Bohemian Malt Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4899. S. No. 1623.)

On December 19, 1912, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 casks of Bohemian Malt Tonic so-called, remaining unsold in its original unbroken packages, and in possession of Hazeltine and Perkins Drug Co., Grand Rapids, Mich., alleging that the product had been shipped on or about November 16, 1912, by the Western Brewery Co. of Belleville, Ill., and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On unit bottles) "Bohemian Malt Tonic. Contains less than 4% alcohol. A pure Tonic Food. Brewed strictly from Malt and Hops only. Bohemian." (Guaranty legend) "Serial No. 2450 Western Brewery Co. Belleville, Ill. U. S. A. \$1000 for any adulteration in our goods." (On shipping packages, stencil) "Glass. Open this end. M. T." (On shipping tag) "Hazeltine and Perkins Drug Co., Grand Rapids, Mich. 10 dozen small Fermented Malt Liquor. From Western Brewery Company, Belleville, Illinois."

Adulteration of the product was alleged in the libel for the reason that it contained a cereal product which had been used in said article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article.

Misbranding of the product was alleged for the reason that it was labeled as set forth above, in and by which said label the article of food was described as Bohemian Malt Tonic, whereas, in truth and in fact, said article labeled as hereinbefore set forth contained a cereal product which had been used in said preparation and article of food, which said cereal product had been substituted for malt in such manner as to reduce and lower the quality and strength of said article of food. Misbranding was alleged for the further reason that the use of the geographical expression "Bohemian" was false and misleading in that it implied that the article of food was of foreign manufacture, whereas, in truth and in fact, it was manufactured by the Western Brewery Co. of Belleville, Ill.

On May 9, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

3002. Misbranding of jam. U. S. v. E. C. Flaccus. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4903. S. No. 19233-d, 19234-d.)

On May 6, 1913, the United States attorney for the northern district of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district against E. C. Flaccus, doing business under the firm name of E. C. Flaccus Company, Wheeling, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, during the month of March, 1912, from the State of West Virginia into the State of New York, of a quantity of jam which was misbranded. Part of the product was labeled, "Lion Brand Compound